

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 83]

The department of education hereby adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are printed in the first volume of the Iowa Administrative Code.

281—5.1(256) Definitions. As used in this chapter:

"Agency." In lieu of the words "(official or body issuing these rules)", insert "department of education".

281—5.3(256) Requests for access to records.

5.3(1) Location of record. All records of the department of education are located at the Grimes State Office Building, Des Moines, Iowa 50319-0146, with the exception of records belonging to the division of vocational rehabilitation services, which are located at the Jessie Parker State Office Building, 510 East 12th Street, Des Moines, Iowa 50319.

5.3(2) Office hours. In lieu of the words "(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)", insert "8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays".

5.3(7) Fees.

c. Supervisory fee. In lieu of the words "(specify time period)", insert "one-half hour". In lieu of the words "(An agency wishing to deal with search fees authorized by law should do so here.)", insert "The agency will give advance notice to the requester if it will be necessary to use an employee with a higher hourly wage in order to find or supervise the particular records in question, and shall indicate the amount of that higher hourly wage to the requester."

281—5.6(256) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words "(designate office)", insert "the office of the director of the agency".

281—5.9(256) Disclosures without the consent of the subject.

5.9(1) Open records are routinely disclosed without the consent of the subject.

5.9(2) To the extent allowed by law, disclosure of confidential or exempt records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

- a.* For a routine use as defined in rule 5.10(256) or in the notice for a particular record system.
- b.* To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.
- c.* To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of the government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.
- d.* To an individual pursuant to a showing of compelling circumstances affecting the health or safety of an individual if a notice of the disclosure is transmitted to the last-known address of the subject.
- e.* To the legislative services agency.
- f.* Disclosures in the course of employee disciplinary proceedings.
- g.* In response to a court order or subpoena.

281—5.10(256) Routine use.

5.10(1) “Routine use” means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

5.10(2) To the extent allowed by law, the following uses are considered routine uses of all agency records:

a. Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may, upon request of any officer or employee, or on the custodian’s own initiative, determine what constitutes legitimate need to use confidential records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

c. Disclosure to the department of inspections and appeals regarding matters in which it performs services or functions on behalf of the agency.

d. Transfers of information within the agency, to other state agencies, or to local units of government, as appropriate, to administer the program for which the information is collected.

e. Information released to staff of federal and state entities for audit purposes or to determine whether the agency is operating a program lawfully.

f. Any disclosure specifically authorized by the statute under which the record is collected or maintained.

281—5.11(256) Consensual disclosure of confidential records.

5.11(1) *Consent to disclosure by a subject individual.* To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 5.7(256).

5.11(2) *Complaints to public officials.* A letter from a subject of a confidential record to a public official which seeks the official’s intervention on behalf of the subject in a matter that involves the agency may to the extent permitted by law be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

281—5.12(256) Release to a subject.

5.12(1) The subject of a confidential record may file a written request to review confidential records about that person as provided in rule 5.6(256). However, the agency need not release the following records to the subject:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

b. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.

c. Peace officers’ investigative reports may be withheld from the subject, except as required by the Iowa Code. (See Iowa Code section 22.7(5))

d. As otherwise authorized by law.

5.12(2) Where a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

281—5.13(256) Availability of records.

5.13(1) *Open records.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

5.13(2) Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Sealed bids received prior to the time set for public opening of bids under Iowa Code section 72.3.

b. Tax records made available to the agency. (Iowa Code sections 422.20 and 422.72)

c. Records which are exempt from disclosure under Iowa Code section 22.7.

d. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4))

e. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1)“d.”

f. Those portions of agency staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by agency staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the agency.

(See Iowa Code sections 17A.2 and 17A.3)

g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122(c), Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. Any other records made confidential by law.

5.13(3) Authority to release confidential records. The agency may have discretion to disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute which authorizes limited or discretionary disclosure as provided in rule 5.4(17A,22). If the agency initially determines that it will release these records, the agency may, where appropriate, notify interested parties and withhold the records from inspection as provided in subrule 5.4(3).

281—5.14(256) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 5.1(256). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with that in another record system. The record systems maintained by the agency are:

5.14(1) Staff records of the basic educational data survey. Records of employees of area educational agencies, merged area schools, and approved public and private schools, whose positions require an Iowa teacher's certificate and contain such personally identifiable information as name, Iowa teacher's certificate number, and social security number. Other data collected are date of birth, teaching experience, sex, current position and assignments. This information is collected pursuant to Iowa Code subsection 256.9(18) and 281—subrule 11.1(4), and is stored on paper and in an automated data processing system. Data processing systems match, collate, and compare the personally identifiable information of the staff records with that of teacher certification records.

5.14(2) *Driver education records.* Driver education records contain personally identifiable information such as name, driver's license number, and Iowa teacher's certificate number collected pursuant to Iowa Code section 321.178 and 281—Chapter 26, and are stored on paper and in an automated data processing system. Data processing systems match, collate, and compare the personally identifiable information of the driver education records with that of the teacher certification records and BEDS staff records.

5.14(3) *Bus driver permit records.* Bus driver permit records contain personally identifiable information such as name, social security number, driver's license number, and bus driver's permit number collected pursuant to Iowa Code sections 321.376 and 285.11(10) and 281—Chapter 43, and are stored on paper and in an automated data processing system. Data processing systems match, collate, and compare the personally identifiable information of the bus driver permit numbers with that of bus accident records.

5.14(4) *Bus accident records.* Bus accident records contain one item of personally identifiable information: the driver's social security number collected pursuant to Iowa Code section 321.376 and 281—Chapter 43 and are stored on paper and in an automated data processing system. Data processing systems match, collate, and compare the personally identifiable information of the bus accident records with that of bus driver permit records.

5.14(5) *Teacher certification records.* Teacher certification records contain information about each individual issued an Iowa teacher's certificate. These records contain such personally identifiable information as name, teacher's certificate number and social security number. Other data collected are date of birth, type and source of degree, completion of mandatory postgraduation coursework, experience, and the subjects and grade level authorized to teach. This information is collected pursuant to Iowa Code sections 256.7(3) and 256.7(5), Iowa Code chapter 260, and 281—Chapters 84 to 88 and 73 to 75, and is stored on paper and in an automated data processing system. Data processing systems match, collate, and compare the personally identifiable information of the teacher certification records with that of BEDS staff records, driver education records, and career education records.

5.14(6) *Exceptional child survey.* These records are exempt from disclosure under Iowa Code subsection 22.7(1). The information gathered by this system relates to children and youth identified as handicapped and in need of special education. Each student record contains a code derived from the child's name and birth date. The coded identifier is the personally identifiable information. Information in each record pertains to the child's handicapping condition and the special education instructional and support-related services provided to the child. Each record may also contain the child's teacher's name and teaching certificate number. This information is collected pursuant to Iowa Code chapter 256B and 34 CFR, Parts 300 and 301 (1986). Procedures for protection of and access to this information are set forth in this state's plan under the Education of All the Handicapped Act, 20 U.S.C. §1401 et seq. These policies and procedures are in compliance with the Family Educational Rights and Privacy Act of 1974 (34 CFR, Part 90) and 34 CFR sections 300.129, 300.560-576, Confidentiality of Information, Part B, EHA, as amended (1986).

This information is stored in an automated data processing system that does not match, collate, or compare the personally identifiable information of the exceptional child survey records with the personally identifiable information of other records systems.

5.14(7) *Rule exception requests and adjusted program reports.* Information gathered by this form relates to excepting the rules of special education in certain circumstances in order to provide a program of educational services to an identified handicapped child or children. These rule exception requests and adjusted program reports could contain personally identifiable information on pupils involved in the special circumstance.

This information is collected pursuant to Iowa Code chapters 256B and 273 and IAC 281—subrules 41.30(1) and 41.30(2). This information is stored on paper and is not on any automated data processing system. All personally identifiable information gathered through this effort is confidential under the provisions of 34 CFR, Parts 90 and 300 (1986) and Iowa Code section 22.7(1).

5.14(8) Department approval—special education placements. These are requests for approval to place a handicapped pupil in an out-of-state educational program and would contain personally identifiable information such as the pupil's name, birth date, residence, handicapping condition and other information relative to the identified special education needs of the pupil. Response to these requests for department approval would contain similar information.

This information is collected pursuant to Iowa Code subsection 273.3(5) and is stored on paper. Data processing systems do not match, collate, or compare the personally identifiable information with other records. All personally identifiable information gathered through this effort is confidential under the provisions of 34 CFR, Parts 90 and 300 (1986).

5.14(9) Chapter I, ECIA, state-operated programs for the handicapped. Local education agency student transfers. Information gathered by this system is related to handicapped children who were served in the state-operated program for the handicapped, counted under the provisions of 34 CFR 302 (1986), and who have subsequently exited that program and enrolled in a special education program in a local education agency within the state. The personally identifiable information consists of the child's name, birth date, disability, and the local education agency to which the child has exited. This data is collected pursuant to 34 CFR, Part 302 (1986), State-Operated Programs for the Handicapped. This data is collected and stored on paper and is not automated. Data processing systems do not match, collate, or compare the personally identifiable information of other record systems. This data is utilized to determine if an LEA is eligible to apply for Chapter I funds under the provisions of 34 CFR, Part 302 (1986).

5.14(10) Special education complaint management system. Information gathered in this record system is utilized as documentation of concerns or complaints related to special education programs and services to handicapped children as required under the provisions of 34 CFR, Part 300 (1986). Personally identifiable information includes the student's name, handicapping condition, parent's name, and the nature of the concern or complaint being registered. The information is gathered and stored on paper and is not in an automated data processing system. Data processing systems do not match, collate, or compare personally identifiable information from these records with personally identifiable information of other records systems. Personally identifiable information gathered by this system is confidential under the provisions of 34 CFR, Parts 90 and 300 (1986).

5.14(11) Deaf-blind student registry. This data collection system gathers information related to deaf-blind children and youth in Iowa. Personally identifiable information items would include the child's name, birth date, location, and services being provided to the child. Information is utilized to plan programs and services for all deaf-blind children and their families in the state. This information is gathered pursuant to the provisions of 34 CFR, Part 307 (1986). The system is stored on paper and is not on any state automated data processing system. Data processing systems do not compare, collate or match personally identifiable information in this system with personally identifiable information in other data systems. Personally identifiable information gathered and maintained by this system is confidential under the provisions of 34 CFR, Parts 90 and 300 (1986).

5.14(12) Career education records. Career education records contain personally identifiable information such as the names and certificate numbers of staff members employed to conduct career education programs. Other data collected concern approvals, reimbursements, enrollments, expenditures, and student characteristics, and completion status relating to career education programs. This information is collected pursuant to Iowa Code chapter 258 and is stored on paper and in an automated data processing system. Data processing systems match, collate, and compare the personally identifiable information of career education records with that of teacher certification records.

5.14(13) Job Training Partnership Act (JTPA) records. Job Training Partnership Act (JTPA) records contain personally identifiable information such as the name and social security number of each JTPA client. Other data collected include training progress, profits, and expenditures. This information is collected pursuant to 29 U.S.C. 1603 §203 and 20 CFR, Part 630 (1986), and is stored on paper and in an automated data processing system. Data processing systems do not match, collate, or compare the personally identifiable information of JTPA records with that of other record systems.

5.14(14) *Drinking driver course records.* These records contain such personally identifiable information as name, address, birth date and social security number. Other data collected are the driver's pre- and post-test scores. This information is collected pursuant to Iowa Code section 321J.12 and is stored on paper and in an automated data processing system. Data processing systems in this agency do not match, collate, or compare the personally identifiable information of drinking driver records with other record systems.

5.14(15) *Robert C. Byrd honors scholarships.* Records contain personally identifiable information about applicants for these scholarships including name, social security number, home address, and telephone number. Other data are parents' names and applicant's scholastic achievements, including grades. Information is collected in order to determine eligibility for the Byrd scholarships, funded under 20 U.S.C. 1070d-31, et seq. Information is stored on paper and in an automated data processing system. Data processing systems do not match, collate, or compare personally identifiable information of these records with that of other record systems. These records or portions may be declared confidential under Iowa Code section 22.7(1).

5.14(16) *Personnel records.* The agency has records concerning individual agency employees, some of which may contain confidential information under Iowa Code section 22.7(11) and other legal provisions. Personnel records may be subject to the rules of the department of personnel.

5.14(17) *Special project applications.* Applications from public school districts may contain personally identifiable information about qualifications of project staff members. No personally identifiable student data are collected. Information is stored on paper and in an automated data processing system. This information is collected pursuant to Iowa Code sections 442.31 to 442.35.

5.14(18) *Grants/awards/projects.* Records of persons or agencies applying for grants, awards, or funds for projects may contain information about individuals collected pursuant to specific federal or state statutes or regulations. This information may be stored in an automated data processing system.

5.14(19) *Phase I, II, and III records.* These records contain the names, social security numbers, and salaries of teachers in districts applying for phase funding. This information is collected pursuant to Iowa Code chapter 294A and is stored on paper and in an automated data processing system which may match, collate, or compare personally identifiable information in these records with records in another record system.

5.14(20) *Appeal records.* These records contain data supplied by persons or entities appealing to the agency and may contain personally identifiable information such as student name, age, scholastic and disciplinary record, and status as regular or special education pupil. This information is collected pursuant to Iowa Code chapters 256B, 260, 275, 280, 282, 285, and 290 and is stored on paper and is not in an automated data processing system. The personally identifiable information is not matched, collated, or compared with data in other record systems.

5.14(21) *Teacher certification decisions.* These licensing decisions contain data such as teacher's name and facts surrounding disciplinary action (suspension or revocation) taken by the state board of education. This information is collected pursuant to Iowa Code chapters 272A and 260 and 281—Chapter 7.

5.14(22) *Litigation files.* These files or records contain information regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials which are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

281—5.15(256) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 5.1(256). These records are routinely available to the public. However, the agency's files of these records may contain confidential information as discussed in rule 5.13(256). The records listed may contain information about individuals.

5.15(1) Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules or proposing rules or rule amendments. This information is collected pursuant to Iowa Code sections 17A.3, 17A.4, and 17A.7. These records are stored on paper and not in an automated data processing system.

5.15(2) State board records. Records contain agendas, minutes, and materials presented to the board. Records concerning closed sessions are exempt from disclosure under Iowa Code subsection 21.5(4). State board records contain information about people who participate in meetings. This information is collected under the authority of Iowa Code section 21.3. State board records are not stored in an automated data processing system.

5.15(3) Publications. Publications include news releases, annual reports, project reports, agency newsletters, etc., which describe various agency programs. Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency councils or committees. This information is not stored in an automated data processing system.

5.15(4) Statistical reports. Periodic reports of various agency programs are available from the department of education. Statistical reports are not stored in an automated data processing system.

5.15(5) Address lists/directories. The names and mailing addresses of members of councils, working groups, program participants and members of the general public evidencing interest in particular programs/events of the agency are maintained in order to provide mailing labels for mass distribution of literature. This information is collected under the provisions of Iowa Code chapter 256.

5.15(6) Appeal decisions and declaratory rulings. All final orders, decisions and rulings are available for public inspection in accordance with Iowa Code section 17A.3. These records may contain personally identifiable information regarding individuals who are the subjects of the appeals or rulings. This information is collected pursuant to Iowa Code chapters 17A, 256B, 280, 282, 282A, 285, 290 and 281—Chapters 6, 7 and 41 and is not stored in an automated data processing system.

5.15(7) Published materials. The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

5.15(8) Basic educational data survey system records. Curriculum, address, policy and procedures, and enrollment records of the basic educational data survey system contain data concerning the curriculum, building, policy and procedures, and enrollment of merged area schools, area education agencies, and approved public and private K-12 educational agencies.

Address records contain the addresses of buildings in which educational agencies are located and the names of the chief administrators of those agencies collected pursuant to Iowa Code sections 256.7 and 256.9.

5.15(9) Secretary's annual report. This record contains information related to public school districts' attendance figures, revenues and expenditures.

5.15(10) Certified enrollment records. Public school district records with enrollments of resident students in district schools; resident students enrolled in another district; nonresident and out-of-state students enrolled in district schools; and full-time equivalent (FTE) enrollment of shared time, part-time and area school students of high school age. These records do not contain student names or other personally identifiable information.

5.15(11) School lunch program records. Records of public and private schools participating in the national school lunch program. Records contain information relating to funds available for reimbursements, advance payments, claims, and reimbursements made to schools; dates that participating schools were inspected; and individual employees of school food services of agencies participating in child nutrition programs. The personally identifiable information is collected pursuant to 7 CFR, Subpart C, 210.9 (1986).

5.15(12) *Commodity distribution records.* Records of the allocation and delivery of federally provided commodities to participating schools.

5.15(13) *Transportation records.* Transportation records contain operational data for school buses.

5.15(14) *Facilities' records.* Records of buildings and additions to buildings owned by public and private K-12 educational agencies.

5.15(15) *Minority records.* Records consist of curriculum records, staff records and enrollment records. There is one curriculum record for each course offered by a school. It enumerates the number of handicapped students and the number of minority pupils by sex by race enrolled for the course. In the same manner, the staff record for a school enumerates the number of handicapped noncertificated staff and the number of minority certificated staff by sex by race. Enrollment records enumerate the number of minority and handicapped pupils by grade by sex by race; handicapping condition. These records do not contain personal information.

5.15(16) *Child care food program records.* Records contain information concerning advance payments made to institutions participating in the federal child care food program, agreements between institutions and their sites with program administrators, claims and reimbursements for meals served, and inspections of programs. The name of each program administrator is included in agreement records collected pursuant to 7 CFR, Part 226.6(e)(1)(1986).

5.15(17) *Guidance dropout records.* These records consist of the number of dropouts in a school district for a particular school year in terms of race. No personally identifiable information is contained in dropout records.

5.15(18) *Career information system of Iowa (CISI) records.* Records of a state-directed project which stores and utilizes occupational and educational data for student use in career decision making.

5.15(19) *Chapter I records.* Records contain data concerning costs; enrollments; number of classes; teachers; aides; pre- and post-test scores; staff training; and parental activity. No personally identifiable information is contained in the records stored in an automated data processing system, although applications stored on paper may contain personally identifiable information such as teacher name.

5.15(20) *Merged area school records.* These records contain data concerning equipment (inventory), enrollment (by sex and residence), and the number of pupils completing programs.

5.15(21) *Merged area schools inventory records.* Records describe all equipment in merged area schools.

5.15(22) *Merged area schools enrollment and completer records.* Records contain enrollment by sex and residence for each program offered by each merged area school.

5.15(23) *General equivalency diploma (GED) records.* General equivalency diploma (GED) records contain the names, addresses, social security numbers, and test scores of individuals granted an Iowa high school equivalency diploma. This information is collected pursuant to Iowa Code chapter 259A.

5.15(24) *Area education agency budget records.* These records contain data used by the state board of education to approve AEA annual budgets. These records are stored on hard copy only.

5.15(25) *Area education agency annual financial report records.* These records contain data relating to revenue, expenditures, and balances as well as the number of AEA employees in each program. These records are stored on hard copy only.

5.15(26) *Juvenile home records.* The juvenile home educational program budget and claim documents collect financial, employee, and student operation data. Budget records are used by the agency for program approval. Claim records are used for approving reimbursements and program results. These records are stored on hard copy only.

5.15(27) *Chapter II records.* These records contain federal Chapter II allocations, enrollments, project descriptions, budgets, and assurances. These records are stored on hard copy only.

5.15(28) *Educational improvement projects records.* These records contain basic planning data, project descriptions, budgets, and assurances. These records are stored on hard copy only.

5.15(29) *Nonpublic school pupil textbook services records.* These records contain data on public school per pupil textbook expenditures, number of resident nonpublic school pupils requesting textbook services and the cost of providing textbook services for nonpublic school pupils. These records are stored on hard copy only.

5.15(30) *Nonpublic school pupils transportation services claims.* These records contain data on expenditures for providing transportation to pupils attending approved nonpublic schools and requests for reimbursement. These records are stored on hard copy only.

5.15(31) *Minutes and reports of state vocational education council.* These records contain the discussion, actions, and recommendations of the council and include biennial reports to the governor. They are stored on hard copy only.

281—5.16(256) *Applicability.* This chapter does not:

1. Require the agency to index or retrieve records which contain information about individuals by that person's name or other personal identifier.
2. Make available to the general public records which would otherwise not be available under the public records law, Iowa Code chapter 22.
3. Govern the maintenance or disclosure of, notification of or access to, records in the possession of the agency which are governed by the rules of another agency. This chapter applies to all records of the department of education. Additional rules regarding records of the department's division of vocational rehabilitation services are also set forth in 281—Chapter 56, division VIII. This chapter does not apply to the records of the following agencies under the department's "umbrella" that have their own rule-making authority: college aid commission, Iowa advance funding authority, educational examiners board, and the school budget review committee.
4. Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs, unless otherwise provided by law or agreement.
5. Make available records compiled by the agency in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the agency.

These rules are intended to implement Iowa Code section 22.11.

[Filed 4/29/88, Notice 3/9/88—published 5/18/88, effective 6/22/88]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 6/4/04, Notice 3/31/04—published 6/23/04, effective 7/28/04]